

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, February 23, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Vishnu Patel, Councilman
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk
David Paganelli, Superintendent of Highways
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss committee appointments and individual personnel issues. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember the 500,000 Americans who have lost their lives due to the COVID pandemic.

INTRODUCTIONS

Supervisor Slater introduced members of the Town Board, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

410 ILLINGTON ROAD DAM PROJECT – WETLAND AND TREE PERMIT APPLICATION

Supervisor Slater introduced Marcia Saunders, property owner, and Peder Scott, engineer, regarding a wetland and tree removal permit application she submitted.

Ms. Saunders thanked the Board for their help and support for this project. She asked Mr. Scott to give the Town Board an update.

Mr. Scott shared his screen and displayed a picture of what the pond on the property looks like, as well as plans for what the dam looks like. He said the dam is on a DEC watercourse and is controlled by the Army Corps of Engineers and is also located in a New York City DEP watershed area. All of these agencies were involved in the approval of this project. DEC was looking at wetland plants, parks and recreation, archeological aspects, endangered species including long-eared bats. DEP was looking at the stormwater management and erosion control. The Army Corps distributed this dam to 25 agencies, to which he had to respond to about 15 of them directly. Mr. Scott said they have now received their permits from every single agency. He said the urgency of the submission before the Board tonight is because they are in the epicenter of long-eared bats in Westchester County and there is a prohibition on the clearing of trees after April 1, 2021 and the bats live in caves between October and April and then emerge in April live in the trees. They would not be able to cut any trees there after April 1. He said the dam is about 246 feet long, 148 feet wide, and about one acre in surface area and to meet the criteria of the DEC and DEP, they had to put in a 4-bay, which is 5,400 cubic yards. They also had to put in the pond, which is 217,000 gallons; a safety bench was put in around the perimeter that is 15 feet wide. Mr. Scott said downstream of the dam they put a plunge pool in and beyond that a stream vein, which is a device to collect stormwater and treat it when it discharges from the dam. He continued to describe the plan that was on the screen to the Town Board, explaining the dam materials, water depth, and dimensions. He said there is a spillway-controlled dam whereby the water goes through a chute and goes down about 15 feet in a parabolic shape, so it is a very smooth transition of water. They installed a safety valve that was missing in the dam. They are also putting in underground pipes

and drain-down devices to allow them to lower the dam water in the case of an emergency or an impending flood.

Mr. Scott said the dam had not been maintained prior to Ms. Saunders ownership and was in a transition between NYS Parks and Ms. Saunders ownership. He said large trees fell down along the western side of the dam, parallel to Illington Road, which made large voids in the concrete and stone dam, causing it to fail. Portions of the dam are laying downstream and there is a very large eroded crater where the water went. He said it is a sensitive area because there is an old cemetery in the area, and they had to work within the confines of protecting its integrity. Mr. Scott continued to describe the current conditions of the dam and area, and the work that is necessary to be done. He said the site contains about 4 feet of sediment that will be removed offsite. The sediments are due to a 104-acre watershed that runs down through a culmination of various streams that enter into the dam location at a relatively high velocity. An access way is being built that has its own sedimentation control structure to control the movement of material. Mr. Scott explained that there would be another access point (road) to be built to access the dam in order to build and maintain it. He said both the DEP and DEC have approved all of the procedures for removal of materials; he said they are removing about 1,600 cubic yards, net, off the site. He said anything they could use, material-wise, they are stockpiling to form a berm.

Mr. Scott said he was hoping to achieve a waiving of a public hearing and have an approval granted for them. He said the Town Engineer has everything on the project and has gone over it with DEP and DEC. Mr. Scott said they are running out of time.

Supervisor Slater asked if the 21 trees listed on the application is still correct and Mr. Scott said yes. Supervisor Slater asked, regarding the long-eared bat situation, how much time would it take to remove the trees and Mr. Scott said typically between two and three weeks but the mobilization of it is the hard part – getting the equipment onto the site and the removal of the trees after they are cut. Supervisor Slater asked Town Attorney Rodriguez if the Town Code allows the Town Board to provide relief from a public hearing for wetlands. Mr. Rodriguez said no, it does not.

Supervisor Slater asked Town Clerk Quast how quickly a public hearing could be set. Ms. Quast said, following the procedures her office must follow, March 16 would be the soonest but the applicant would have to work with her quickly in order to get everything noticed.

Supervisor Slater asked Mr. Scott if this would be enough time and he said yes. He also asked since this would be a SEQRA action, he would like to see it referred as a Type 2 action. Supervisor Slater asked the Board if they were okay with directing the Town Clerk to refer the project out and set the public hearing for March 16.

REFER TO APPROPRIATE AGENCIES AND SET PUBLIC HEARING FOR WETLAND AND TREE REMOVAL PERMIT APPLICATION – 410 ILLINGTON ROAD
RESOLUTION #73

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

RESOLVED, the Town Clerk is authorized to refer the wetland and tree removal permit application made by Marcia Saunders for the dam rebuilding project at 410 Illington Road to the appropriate agencies and set a public hearing for March 16, 2021.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

PAINT THE TOWN PURPLE

Supervisor Slater introduced Leigh-Ann Todd and Parks and Recreation Superintendent Jim Martorano to talk about the upcoming Annual Cancer Awareness Events.

Ms. Todd thanked the Town Board for their continued support of ACS and Relay for Life. She said that this year the Relay for Life Committee in Yorktown would like to hold their annual “Paint the Town Purple,” which they traditionally do each year, at three locations this year to spread out the opportunity for fundraising and awareness. She said they are very aware of safety and social distancing. Ms. Todd said this is to remind people in the community that they are still out there supporting people impacted by cancer and cancer survivors within the Yorktown community. They would like to do “Paint the Town Purple” on May 15 on Commerce Street, at the J.C. Hart

Library, and also by the Jefferson Valley Mall. Ms. Todd said that in lieu of doing an actual relay this year due to COVID, they would like to do a drive-through event at the Jefferson Valley Mall as a continuation of “Paint the Town Purple” that would take place that same evening (May 15). It would provide an opportunity for cancer survivors and caregivers to come out and be cheered on from the safety of their cars. She said that they would like to invite local business partners and supporters to set up signs – reminders that the community is still here to support anyone impacted by cancer.

Councilwoman Roker said that Highway Superintendent Paganelli would need to be notified since this is more than the usual one location.

Supervisor Slater said he would put Ms. Todd in contact with the Jefferson Valley Mall personnel.

Superintendent Martorano said he would also be in touch with his contact at the Mall in order to help facilitate the event.

Councilman Diana asked how collections would be made. Ms. Todd said she would work out the sites with the Yorktown committee volunteers and the Town.

3700 BARGER STREET

Supervisor Slater introduced Dan Porco from NY Fuel Distributors, Rich Williams from Insite Engineering, and Director of Planning John Tegeder, and project architect Oliver Young to discuss additional approvals on the projects architectural, canopy, landscaping and signage designs, per the approving resolution.

Mr. Williams said they recently resubmitted a package to the Town Board that included their site plan drawing set, which was updated to respond to comments in the resolution of approval, a stormwater pollution prevention plan, which is still being reviewed by the Town Engineer’s office. He said it also included the concept access easement plan that was discussed at the last meeting regarding future provisional access to the neighboring property. He said they submitted a copy of the DEC Freshwater Wetland Approval, which they recently had reissued because they found there was a septic onsite that they will be keeping and maintaining as part of their development. They also submitted architectural plans. Mr. Williams shared his screen and went through the site plan comments that were received regarding landscaping. Mr. Williams turned the discussion over to Mr. Young to talk about the architecture.

Mr. Young shared his screen displaying floor plans. He said they originally had appeared before ABACA in November 2019. The floor plan has not changed; it is a little over 2,000 square feet. He said it is a typical “C” store layout where the customer area is the central core of the building and the perimeter is the service areas (food prep, sales counter, walk-in coolers, storage, bathrooms), which does not give much room for glazing. He displayed updated color elevations of the outside of the building. He said the structure of the building would allow for the adequate screening of the rooftop storage of the equipment necessary for the cooling and food preparation. The material for the outside of the building is going to be a stone veneer and a fiber cement siding and fiber cement trim. The roof is going to be black metal. Mr. Young proceeded to describe the canopy elements, which includes the same stone base as the building, and the same colors as the building, and the same roof as the building.

Councilman Patel asked how many pumps would be there and Mr. Williams said there would be four dispensers that will allow for a total of eight fueling stations. He said most of what they are presenting, as far as the architecture and site plan, is essentially the same as what they previously presented to the Town Board and ABACA; it has just been taken from a site plan drawing level to a construction drawing level. Councilman Patel asked if a person could fill their car from both sides and Mr. Porco said they would have extensions whereby a customer would be able to fill their car from either side.

Director of Planning John Tegeder recommended that they do something with the façade of the south elevation, since it prominently faces Barger Street, even if it is faux windows or glazing. Mr. Young said he does have an idea for that space, such as wrapping the band from the front to the back to tie both elevations together and include some faux windows. Mr. Porco agreed that this would be a better idea.

Mr. Williams displayed the photometric plan that was submitted and discussed the lighting that would be installed. Most of the lighting is focused towards Barger Street. Councilman Lachterman asked if a traffic study was done and Mr. Williams said yes and it was submitted as part of the Planning process. He said it is also being reviewed by the Department of Transportation since Barger Street is actually considered a state road and their highway work permit is imminent. Traffic flow into and out of the location was discussed.

Supervisor Slater asked about the issue of access for the neighbor in the back. Mr. Williams said they submitted a sketch as part of their submission package that illustrated the ability to show an access to the property if there ever is an ability to reach an agreement where they come forward with a development. Mr. Williams then explained the canopy and signage. Mr. Williams says the Town Code allows for 30 square feet per side, 60 square feet aggregate. This sign also would include on the sign the identifiers for fuel pricing. He said this is a small size to provide all of that information (fuel prices, the store logo, the Mobil logo) and they are going to ask for relief tonight from the Board for the freestanding monument sign that was discussed in the past, and was created at the request of the Town Board. He said they reduced the size of the sign's base so they could maintain more space to the property line. The base of the sign is 11'4" by 2'1" that marries the elements from the front of the building to the gas pump dispensers to the freestanding sign with the same stone veneer and stone sill. There will be trim surrounding the cabinet panel. The cabinet panel is 10'6" by 9'8." Mr. Williams said the cabinet panel is 102 square feet of area per side where 30 square feet is allowed. The entire area including the trim is 130 square feet per side. This is where they would be asking for relief. The other signage includes the Coco Farms logo on the front fascia of the building. It is a 6' by 6' sign for a total of 36 square feet. The Town Code allows 1 square foot per length of building plus a quarter of a square foot for each foot of building setback above the required. The building is 53 feet long and a 30-foot front yard setback, with a building that is set back 89 feet. He said they would be allowed almost 68 square feet of building mounted signage and they are only at 36 square feet.

Councilman Diana said this seems to be a rather large sign compared to other stations that display the same information on smaller signs. Mr. Williams said the Code does not seem to provide enough space for the information that needs to be displayed. Councilman Lachterman asked Mr. Tegeder if the Town has run into this problem before. Mr. Tegeder said he thinks that maybe the Town has approved up to 60 or 70 square feet per side. He said that in most gas station projects the Town Board has modified the sign requirements and that the sign requirements in the Code are older requirements. He said when the Town did the sign manual and redid the sign code a long time ago and the Town put forth that they prefer monument signs, they did not update the size of them, and they are typically larger than 30 square feet per side. Councilwoman Roker said it has not been that long that pricing has been required by Westchester County so she could understand why the size has had to be modified.

Councilman Diana said before he could say yes to something this large, it seems to be blocking the building and seems too large for this space. Councilwoman Roker said she agrees with Councilman Diana but asked if the signs at the Mobil station in Yorktown Heights or the one on Route 202 have similar sized signs and Councilman Diana said he does not believe so and that they are probably half of this sign's size. Mr. Tegeder said the station in Yorktown Heights, if he had to guess, might be a 5' by 9' or 10' sign, which would be about 50 square feet per side, 100 aggregate. He said he could research this and let the Town Board know. The Board agreed that this would be appreciated so they could get idea to compare to this sign. Councilwoman Roker said that perhaps the Board should also consider updating the Code. Supervisor Slater agreed with this. Mr. Porco said they could certainly look into shrinking the sign so everybody is happy with it. Councilman Diana suggested the Town do an average of what size these types of signs are and do an "apples to apples" comparison.

Supervisor Slater said the Board and Mr. Tegeder should have a conversation about updating the Code since the Town is granting relief to many applicants, particularly gas stations.

Mr. Williams asked that since Mr. Porco is anxious to begin the work on the station and given there would be further discussion on the sign, would it be possible to at least move forward in pulling the building permit so they can begin the demolition/renovation work to get the building going.

Mr. Tegeder said since the Board is okay with the lighting and landscaping plans and the architect is going to make the architectural modification that was discussed, the plan could be brought to the Supervisor for his signature and that would release the building permit. The sign package could remain separate until the Board is comfortable with what the applicant proposes, issues a resolution, and required variances are obtained.

Supervisor Slater said, to recap, the applicant would submit the updated architectural plans and the signage would be dealt with separately.

Councilman Lachterman asked if any further testing had been done regarding past spills and contamination that occurred on the property. Mr. Porco said they have not done testing on it yet but as was mentioned in the past, if any contamination issues are discovered as they are working, all agencies would be involved in the cleanup. Mr. Hani Sadallah, who is also one of the applicants, said all the spill cases were closed and anything that might be found as they move forward will be handled appropriately.

HESP SOLAR

Supervisor Slater introduced Susan Brodie from HESP Solar, Parks and Recreation Commissioner Matt Talbert, Parks and Recreation Superintendent Jim Martorano, and Town Attorney Adam Rodriguez to discuss the proposed solar facility agreement.

Mr. Rodriguez said an RFP was done over the summer and the Town received six proposals and after the Board reviewed the proposals, they decided to engage with HESP to negotiate the actual terms of a lease agreement consistent with HESP's RFP response and this has now been done. Mr. Rodriguez said the terms before the Board tonight are essentially the same terms that were approved. Supervisor Slater said this is more of a formality to remind residents of what this lease would do.

Ms. Brodie shared her screen to display a slide presentation about the project. The following is a description of the slides presented:

- Executive overview of HESP Solar
- Lease Options Overview. HESP responded to the RFP with four different options. Yorktown opted for Option 4 (Canopy, Ground, & Battery):
 - Lease price/kW: \$102.00
 - Total lease price: \$143,250
 - Annual escalation: 0.00%
 - Lease term: 25 years
- Ms. Brodie said the reason she included all four options on this slide is that until they actually get out there and do the engineering, and the parkland alienation work that needs to be done, if the Town wants to slide into a different option, they understand what those other options are.
- Panel Layout – the proposed site layout (a rough draft). Ms. Brodie pointed out the locations of the parking canopy system, carport system, ground-mounted system, and battery storage area.
- RFP Response Design Summary – the options as they were proposed in the RFP
- Recent Projects
- System Overview
- Educational Component:
 - Touch-screen kiosk and Online Student Access to learn about the system and how it is beneficial to the environment
 - Annual Solar Energy Science Fair Sponsorship
- EV Charging Stations – HESP will install and maintain four Level 2 charging station to benefit residents, with sales revenue flowing to the Town.
- Community Solar Program

Councilman Patel asked who would be doing the alienation paperwork and Mr. Rodriguez said the Town would be doing the paperwork. He sent a draft resolution that addresses both the alienation issue and the permissive referendum issue.

AUTHORIZE SUPERVISOR TO SIGN LEASE AGREEMENT WITH HESP SOLAR FOR GRANITE KNOLLS PROJECT
RESOLUTION #74

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

WHEREAS, the Town seeks to enter into a twenty-five-year agreement with HESP Solar LLC for the construction of a solar facility (including a canopy system, ground mount system, and energy storage unit) and four EV charging stations at the Granite Knolls Sports Complex; and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law § 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in the Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

FURTHER RESOLVED, that if 30 days after publication and posting of the above-described notice, this Resolution has not been challenged by permissive referendum, the resolution shall take effect.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

OVERLAY DISTRICTS – HEIGHT RESTRICTIONS

Supervisor Slater introduced Darius Chafizadeh from Harris Beach PLLC to discuss a proposed height amendment in the overlay districts. Mr. Chafizadeh said Matt Jarmel, their engineer, and Tim Huttleston Chief Operating Officer for Oster Properties, would be joining him.

Mr. Chafizadeh said that about three weeks ago they presented their initial plan for the redevelopment of 335 Downing Drive – the Kmart Building. Oster Properties has been the owner for some time and the plan is to remove the existing vacant Kmart Building and construct a new structure that would include residential and retail. Retail would be on the bottom floor and they would have a gathering area in the front and residential on three stories above. He said they have reviewed the proposed overlay zoning law and noticed the proposal was to limit the height of the building to three stories and 40 feet in height. He said it was important for Oster Properties to propose four stories. He said that this is an old site and would take a lot of site work and upgrades to get it to the 21st century. Given that, they felt the four stories would be needed from an economic standpoint; without the fourth story, they would essentially lose a large percentage of the residential units. They would go from 150 to 100 units. Mr. Chafizadeh said they understand that very often large buildings in downtown areas are looked at unfavorably by residents and Board members, but he said they feel this property is unique. It is a large piece of property (14.8 acres) and they are proposed to the Board to consider allowing four stories and up to 52 feet, which would make this property proposal an "as of right" construction on properties only in excess of 10 acres. This would limit the impact on the community and also fall in line with the other areas of the development. One thing he thinks the Board wants to make sure of is that projects are not too condensed or too large and that is why there is a proposed FAR (floor area ratio) for locations. He said that their FAR would be well below what is the maximum with the four stories and 52 feet.

Councilman Patel asked for someone to explain Floor Area Ratio. Mr. Jarmel said this is a very common term used in zoning where a zoning ordinance sets a certain percentage of lot area to calculate how much building area you are allowed to do. He explained how their ratio was derived. Mr. Jarmel shared his screen to show the proposed four-story building. This building would be constructed in the same footprint of the 90,000 square foot Kmart Building, but half of the outline of the Kmart Building. It will be in a “U” shape that would have a green space in the center. Mr. Jarmel showed several other renderings of the proposed building, as well as floor plans. Mr. Jarmel said retail space has changed significantly due to the Internet. He said many out of use shopping centers are being replaced with housing. This provides needed housing and provides customers for the remaining retail stores.

Councilman Diana asked how many residential units would be in the new building and Mr. Jarmel said they are proposing, in the four-story building, three levels of residential, each level having 50 one and two-bedroom units (150 units total). Councilman Patel raised the issue of overtaxing the sewer system. Councilman Diana said that right now the sewer infrastructure with the proposed projects that are out there is going to cause the Town to knock on the door of our permitted limit, especially if the Town gets the “go-ahead” on the Hallocks Mill Sewer District Extension. He said we are going to have to be in contact with the DEP to get our permitted limit raised to avoid the fines and the problems with overflowing our permit. Mr. Jarmel said clearly they are increasing sewer flow but they are also reusing existing sites. He said this is a 90,000 square foot building that was using sewage when it was operating. He said there would be a credit associated with ripping down that building and the sewage flow that came from that building. He said projects like this also have a tremendous savings they would see from a stormwater situation. He said they are already dealing with a site that is almost 2 acres of impervious coverage. They are now taking that almost 2 acre site, demolishing it, and reducing the impervious coverage because they are creating a green area within the space to deal with that.

Supervisor Slater asked Mr. Tegeder to remind the Board what the overlay district law says in terms of height restrictions. Mr. Tegeder said it currently caps the height at 40 feet and may not exceed 3 stories. Supervisor Slater said the project amendment is calling for 4 stories and 52 feet. Mr. Chafizadeh reminded the Supervisor they are suggesting on 10 acres or more. Supervisor Slater asked Mr. Tegeder how many properties in the overlay district are 10 acres or more and Mr. Tegeder said he thought three – the Triangle Shopping Center, this property (old Kmart Building), and the Soundview property. Supervisor Slater said that this proposed amendment would potentially only apply to these three properties in this overlay district and Mr. Tegeder said this was correct.

Supervisor Slater asked Mr. Tegeder his thoughts on the proposed amendment of 10 acres or more. Mr. Tegeder said he thought the 10 acres or more idea was a good limiting factor, because not only does it limit the number but it also limits the impact because these types of projects would be occurring on a more open site and would not be close to, or next to, travelled streets, sidewalks, etc. He also reminded the Board that the Cappelli apartment project on Barger Street in Shrub Oak had a limitation of 45 feet and that this regulation was modified to 45 feet because it is built into a sloping hill. The I-2 zone has a height requirement of 40; most of the commercial zones are 35. He said the way this was written (the overlay zone) was modest in terms of giving flexibility in height – going up only about 5 or 10 feet. The RSP-2 zone is 45 feet and the RSP-3 has a height limitation of 42 feet. Mr. Tegeder said we are not set at 35 feet and 3 stories.

Supervisor Slater asked what role this plays in the economics of the project. Mr. Chafizadeh said you have your site costs (demo, upgrading, construction, safety measures) that do not change. This turns into an average of cost per unit – from about \$20-25,000 per unit up to as much as possibly \$40,000 per unit if they do not have the fourth story. He said this is a significant impact on the economics of the project. It impacts operating income, as well, and the profitability of income over the coming years.

OVERLAY DISTRICTS – PROPOSED USE AMENDMENT

Supervisor Slater asked Mr. Riina to describe to the Board the proposed amendment he submitted regarding the Overlay Districts. Mr. Riina said Mr. Xiao’s proposed project for the 18 unit Gardena Hotel is situated in a C2-R zone. C2-R allows for commercial use on the ground floor and residential use on the floors above. He said that in this case the hotel use does not fit in as a permitted use or special use under the C2-R zone. Mr. Riina said they are asking the Board to consider a code amendment to allow this project to move forward. He said they also have to get a

few variances and have done a preliminary presentation before the Planning Board. He said they are now at the point where they have to know if this is going to be allowed from a legislative standpoint.

Supervisor Slater asked about what the options are regarding this project. He said they could amend the C2-R zone but that would allow for this use town-wide, which he does not like. He said they could also use the proposed overlay district use, which would limit it to the confines of the overlay district. He asked Mr. Tegeder what other options they have and Mr. Tegeder said the property could be rezoned. The C-3 and C-4 zones allow hotel and motel uses by special permit, but they come with a whole host of allowable uses, which are not typically what you want to see in the downtown area (gas stations, warehouses, etc.) Supervisor Slater asked, assuming the Town does not want these types of uses in the downtown, what alternatives are at their disposal. Mr. Tegeder said it would either be the text amendment in the C2-R or the ability to be reviewed and approved under the overlay district.

Supervisor Slater asked Mr. Riina if he had prepared proposed specific language for the amendment or just for use in the overlay district and Mr. Riina said he did not believe there was specific language in the overlay district law that refers to hotel use and would have to be drafted in. Supervisor Slater clarified that he meant in Mr. Riina's proposal in amending the overlay district to allow for this use, how Mr. Riina would recommend the Town Board implement it. Mr. Riina said he thought this would call for a more lengthy discussion as to how to achieve that. Mr. Tegeder agreed that this is a larger discussion.

Councilwoman Roker asked Mr. Riina what he is asking the Board to do. Mr. Riina said that in their first presentation they asked the Board to allow this use in a C2-R zone. He said he assumed this could be done with some type of measure added to it. He said the idea of being in the overlay district is attractive to him because it would essentially be "one stop shopping" in the sense they would go to the Planning Board and they would have the jurisdiction to grant the variances, as well as approve the project. This would make the process much easier for himself and his client. Mr. Riina said if the Town Board were to do that, he was sure the Board would want to have some type of measure as to how many units would be permitted.

Supervisor Slater said the Board would have to decide if they would do a text amendment to the C2-R zone or find a way to include it within the parameters of the overlay district. Mr. Tegeder said the only other thing he could think to do would be to write a special permit section for a "boutique hotel," but then it would be applied to the C2-R zone, which would be applied town-wide.

Mr. Riina suggested that he and Mr. Tegeder meet to discuss the best way to proceed and asked if, under the overlay district law, there was a provision for a case-by-case scenario and Mr. Tegeder said all of these projects are reviewed on a case by case basis but added that you could, in the overlay district language, allow something like this that has to comply with the special permit section that has to do with hotels/motels. He said you might have to modify that section of code to capture some of the limiting factors that you think would make sense, if any. Councilwoman Roker said you would not want the regular verbiage for hotel/motel because it allows for more rooms. He said you could supplement that with a definition of a "boutique hotel" and develop some limiting factors. Mr. Riina asked if, under the overlay district law, you could put in boutique hotels and define what they are, without getting into amending the code for boutique hotels. Mr. Tegeder said the short answer is yes, but it would depend upon how that section, that description, and what those limiting requirements are, how much there is that we develop.

Supervisor Slater said it does not sound like the rezone to a C-3 or a C-4 zone is favorable, which leaves limited options from creating a special use permit or inserting language that permits boutique hotels within the overlay district in the Heights hamlet. Mr. Tegeder said that once you develop the language, it could be applied to other overlay districts that are being created.

OVERLAY DISTRICTS – PROPOSED PROCESS AMENDMENTS

Planning Director John Tegeder said he was asked to modify some of the language in the overlay district law pursuant to who makes the authorization to allow a particular property or project to be reviewed and approved under the district. He said the discussion was that possibly it is a better fit for what we are doing here to have each applicant within the districts to come to the Town Board first for a conceptual review and a good understanding of what the parameters of the project are

and have the Town Board make a determination as to whether or not it should be considered and authorized to be reviewed and approved by the Planning Board under the overlay district parameters. He said that currently there is a section that says the applicant has to give a written statement as to why they feel the project belongs under the overlay district law. This is submitted to the Planning Board and they decide whether or not it makes sense. Mr. Tegeder said he has retooled that to have it come to the Town Board first with the same written request for authorization to set out all the parameters as to why they fit into the overlay district, at which point the Town Board would make some determinations. He created a list of 8 benchmarks the Town Board would decide upon that would help them make their determination and authorization.

“The Town Board shall make a determination to authorize the project for consideration under the overlay district after making the following determinations:

1. The project is consistent with the general goals of the Comprehensive Plan
2. That the project will not likely be detrimental to the character of its immediate neighboring properties or the district and Town, at large
3. That the scope of the project will not likely cause operational difficulties on the site and have potential to negatively affect the health, safety, and welfare of the public
4. That the Town’s infrastructure is capable of servicing the project or that the impacts or deficiencies of the infrastructure can be appropriately mitigated
5. That the project will eliminate a blight or potential blight within the district
6. That the project is consistent with the goals and intent of the overlay district
7. That the project is consistent with the requirements of the overlay district and does not exceed the limitations or requirements set forth, therein
8. That the project is likely to contribute to the economic development of the district and the Town, at large

Mr. Tegeder said these would be the attributes that the Town Board could use as a “litmus test” for a proposed project. If the Board approves the project, it would be referred to the Planning Board for their usual review, as they would with any other site plan or subdivision, except that it would be under the overlay district.

Town Planner Robyn Steinberg presented the additions that were made to the Osceola Overlay District (Section 300-256). Ms. Steinberg reviewed the Permitted Main Uses section. She said the underlying zone in this district is mainly Country Commercial, with some C-2. She said the same main use is permitted in the Commercial Recreation zone, which is appropriate because of the lake. Other permitted uses include multi-use developments, multi-family residential development, live-work unit development, and storage, shops, retail business within the C-2 zone.

Mr. Tegeder discussed the Commercial Recreation uses and said in the Comprehensive Plan, Lake Osceola was looked at for more entertainment uses and restaurants.

Maps of both the Yorktown Heights Overlay District and the Osceola Overlay District were displayed and reviewed.

At the Supervisor and Councilwoman Roker’s request, Mr. Tegeder compared two similar projects (the Soundview Property in the Heights District and the Summit Hill Property in the Osceola District). He said both were similarly offered for residential multi-family projects. The Summit Hill property was asking for a rezone to R-3. Mr. Tegeder said had the overlay district legislation not been proposed, the Soundview Property would most likely be asking for a rezone to some type of R-3 or multi-family zoning. They are similar in that regard.

Supervisor Slater said he is trying to understand the standards that have been used to put one piece of property in one district and if we are going to use standards, they should apply. He said there has to be uniform standards when they are looking at these pieces of property.

Supervisor Slater asked Mr. Tegeder if this could be considered a Transitional Zone and he said yes (the Osceola property). Supervisor Slater asked Mr. Tegeder if he viewed this property in the same manner as the Soundview Property and Mr. Tegeder said yes, he did. He said the Osceola property is difficult to develop due to its underlying zoning and possibly not even desirable from the standpoint of the Town by virtue of its location.

Councilwoman Roker said both properties should be included in the overlay districts. She said if we have one property that is similar to another or can be described as the same, she is not sure why we would let one in and keep one out. Councilman Lachterman agreed.

Supervisor Slater also agreed saying the properties should be treated equally.

A discussion continued regarding the different properties that exist in both overlay districts and potential projects/developments that could be proposed under the overlay legislation.

Mr. Tegeder said the value of doing the overlay districts is that you are doing a small area where flexibility is being allowed and offers a certain amount of protection.

A discussion took place regarding whether or not to include Beaver Ridge in the Yorktown Heights Overlay District to accommodate the possible location of the Parks & Recreation Office and Senior Center because he does not believe an office component is allowed in the RSP-2 zone. He said there is a small section of the top of Front Street that is included in the overlay district and there was some discussion about removing that and he asked the Board if they would like him to remove it. Supervisor Slater said he thought there was a discussion about making Front Street a whole district on its own and Councilwoman Roker said yes and did not believe it was a bad thing. Supervisor Slater said he thought Front Street should be a standalone district. Mr. Tegeder said he would remove the piece that was included in the overlay zone.

The Town Board decided to take Front Street out and include the Beaver Ridge property to accommodate the future office use for governmental departments.

Supervisor Slater wanted to make clear for staff working on the amendments whether or not the Board wanted to include the height amendment request. Councilwoman Roker and Councilman Lachterman agreed and Supervisor Slater asked Mr. Tegeder to include this in the amendment draft. Mr. Tegeder said he thinks they would look at doing a specific line item for the over 10-acre and leave the basic at the 40. Supervisor Slater agreed.

TOWN BOARD OF THE TOWN OF YORKTOWN WILL HOLD A JOINT MEETING WITH THE YORKTOWN COALITION ON COMMUNITY SAFETY AND ENGAGEMENT ON THURSDAY, MARCH 4, 2021

RESOLUTION #75

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Town Board of the Town of Yorktown will hold a joint meeting with the Yorktown Coalition on Community Safety and Engagement on Thursday, March 4, 2021, for the purpose of soliciting public feedback on the Coalition's report on the Yorktown Police Department, which was released on February 19, 2021. The meeting will be held via Zoom Video Conferencing beginning at 7:00 p.m., Yorktown Heights, New York, 10598. Please register in advance if you would like to participate in this meeting by emailing Town Clerk Diana Quast at dquast@yorktownny.org or by calling (914) 962-8152.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPOINT AUGUST ABATECOLA AS MEMBER AND CO-CHAIR OF THE ARTS & CULTURE COMMITTEE

RESOLUTION #76

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that August Abatecola is appointed as a member and Co-Chair of the Arts & Culture Committee.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPOINT GENNIFER BIRNBACH AND ALLYSON MONTANA AS MEMBERS OF THE ARTS AND CULTURE COMMITTEE
RESOLUTION #77

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that Gennifer Birnbach and Allyson Montana are appointed as members of the Arts & Culture Committee.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPOINT MIKE MATTONE AS MEMBER OF THE COMMUNITY HOUSING BOARD
RESOLUTION #78

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that Mike Mattone is hereby appointed to a six-year term as a member of the Community Housing Board.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

AUTHORIZE THE SUPERVISOR TO EXECUTE NECESSARY AGREEMENTS TO FOREGO \$1,000/MONTH REVENUE FROM THE TOWN'S AGREEMENT WITH CROWN CASTLE FOR THE FRENCH HILL TOWER
RESOLUTION #79

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Supervisor is authorized to execute whatever agreements are necessary to forego \$1,000/month revenue from the Town's agreement with Crown Castle for the French Hill cell tower, as indirect consideration for an agreement between the Town and the Metropolitan Transit Authority to obtain use of the MTA's forthcoming MRRS (Metropolitan Regional Radio System) at the French Hill Crown Castle tower.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

AUTHORIZE THE COMPTROLLER TO PAY THE CASH VALUE OF UNUSED TIME FOR JENNIFER LEONARD
RESOLUTION #80

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Jennifer Leonard the cash value of unused time as of her date of separation.

Rate of Pay: \$26.0438

Vacation	105 hours	x	\$26.0438	=	\$2,734.59
Personal	21 hours	x	\$26.0438	=	\$546.91
Float	14 hours	x	\$26.0438	=	\$364.61
Total					\$3,646.11

BE IT FURTHER RESOLVED that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:		
A3620.101	Building Salary	\$3,646.11
To:		
A3620.108	Building Lump Sum Payments	\$3,646.11

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

AUTHORIZE YORKTOWN POLICE DEPARTMENT TO PURCHASE ONE 2021 FORD POLICE INTERCEPTOR SUV
RESOLUTION #81

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase one (1) 2021 Ford Police Interceptor SUV from the Westchester County contract RFB-WC-19023, awarded to Beyer Ford in the total amount of approximately thirty-three thousand, twenty-nine dollars (\$33,029.00).

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

RESCIND RESOLUTION DATED MARCH 12, 2019 APPOINTING MICHAEL GRASSO AS A ROAD MAINTENANCE FOREMAN
RESOLUTION #82

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby rescinds its resolution dated March 12, 2019, appointing Michael Grasso as a Road Maintenance Forman, effective February 24, 2021.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPOINTMENT OF MICHAEL GRASSO TO GENERAL FOREMAN, HIGHWAY DEPARTMENT
RESOLUTION #83

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

BE IT RESOLVED, that Michael Grasso, is hereby appointed, via reclassification, from Deputy Town Superintendent of Highway to General Foreman, job class code 0420-02, effective February 24, 2021, to be paid from Yorktown CSEA Salary Schedule A, Group XVII, Step 3 which is \$87,320.00 annually;

BE IT RESOLVED, Westchester County Department of Human Resources approved the reclassification of Michael Grasso.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

APPOINTMENT OF TED DEVLIN TO ASSISTANT GENERAL FOREMAN – HIGHWAY DEPARTMENT
RESOLUTION #84

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

BE IT RESOLVED, that Ted Devlin, is hereby appointed, via reclassification, from General Foreman, job class code 0420-02, to Assistant General Foreman, job class code 0421-02, effective February 24, 2021, to be paid from Yorktown CSEA Salary Schedule A, Group XVI, Step 5 which is \$90,159.00 annually;

BE IT RESOLVED, Westchester County Department of Human Resources approved the reclassification of Ted Devlin.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

REAPPOINTMENT OF PHILIP MARINO TO GENERAL FOREMAN
RESOLUTION #85

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

BE IT RESOLVED, that Philip Marino is hereby reappointed, to General Forman, job class code 0420-02, effective February 24, 2021, to be paid from Yorktown CSEA Salary Schedule A, Group XVII, Step 4 which is \$91,093.00 annually.

Slater, Diana, Lachterman, Patel, Roker Voting Aye
Resolution Adopted.

Supervisor Slater asked Town Clerk Quast if she wanted him to read the HESP Solar resolution and wanted to know if what was passed this evening was sufficient. Ms. Quast asked if he was referring to the resolution Town Attorney Rodriguez had sent and the Supervisor said he did not read that one because Councilwoman Roker made a motion from the floor. He asked if she would like him to read the resolution and Ms. Quast said it was his decision. Supervisor Slater said he was fine with Councilwoman Roker's motion.

ADJOURN MEETING

Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board meeting was adjourned.

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK